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9 Attorneys for the United States

10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 OSCAR CESAR OLIVAS,

16 Defendant.

Case No.: 11cr2652-BTM

**UNITED STATES' RESPONSE AND
OPPOSITION TO DEFENDANT'S
MOTION FOR REDUCTION OF
SENTENCE**

17 Trial Date: March 9, 2017

18 Time: 2:30 p.m.

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20 The UNITED STATES OF AMERICA, by and through its counsel, Laura E.
21 Duffy, United States Attorney, and W. Mark Conover, Assistant U.S. Attorney, hereby
22 files its Response to Defendant's Motion for Reduction of Sentence Pursuant to Title
23 18, United States Code, Section 3582(c)(2).

24 Oscar Cesar Olivas (Defendant) pled guilty to two counts of the indictment:
25 Conspiracy to Import Cocaine Methamphetamine, in violation of 21 U.S.C. §§ 952 and
26 960 and Conspiracy to Launder Monetary Instruments, in violation of 18 U.S.C. §§
27 1956(h) and 1956(a)(1)(A)(i). In the plea agreement, Defendant agreed that the
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1 conspiracy involved at “least 10 kilograms of methamphetamine (actual) and 10
2 kilograms of cocaine.” Plea Agreement, pg. 4, ll. 16-18.

3 At the time of sentencing, the Court found, and the parties agreed, that the base
4 offense level for this amount of narcotics was a level 38. Under the amended guidelines,
5 the base offense level for 10 kilograms of actual methamphetamine remains a base
6 offense level 38; Defendant’s amended guidelines are unchanged. Defendant is not
7 eligible for a sentence reduction. The motion should be denied.

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10 DATED: March 8, 2017

Respectfully submitted,
LAURA E. DUFFY
United States Attorney

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14 /s/ W. Mark Conover
W. MARK CONOVER
Assistant United States Attorney
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

Case No. 11cr2652-BTM

Plaintiff,

v.

CERTIFICATE OF SERVICE

OSCAR CESAR OLIVAS,

Defendant.

IT IS HEREBY CERTIFIED THAT:

I, W. Mark Conover, am a citizen of the United States and am at least eighteen years of age. My business address is 880 Front Street, Room 6293, San Diego, California 92101-8893.

I have caused service of the United States' Proposed Jury Instructions on the following party by electronically filing the foregoing with the Clerk of the U.S. District Court using its ECF System, which electronically notifies them:

Federal Defenders

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 9, 2017.

LAURA E. DUFFY
United States Attorney

/s/ W. Mark Conover
W. Mark Conover
Assistant United States Attorney